



PLANNING AND DEVELOPMENT DEPARTMENT  
DEVELOPMENT SERVICES DIVISION  
CITY OF HIGH POINT  
NORTH CAROLINA

Staff Use Only  
Filing Date: \_\_\_\_\_  
Case No.: \_\_\_\_\_  
Payment: \_\_\_\_\_  
Approval Date: \_\_\_\_\_

BOARD OF ADJUSTMENT SPECIAL EXCEPTION APPLICATION

A. Address Information (fill in applicable information)

**Applicant:**

Name

Street Address, City, State, Zip Code

Phone Number

**Owner:**

Name

Street Address, City, State, Zip Code

Phone Number

**Representative:**

Name

Street Address, City, State, Zip Code

Phone Number

B. Location of Subject Property (for which the request is made)

Address:

Tax Map:

Block:

Lot:

Description:

C. Zoning and Property Use Information

Zoning District:

Existing Use:

Proposed Use:

D. Required Information

A scaled site plan and/or survey indicating the proposed special exception, all property lines and dimensions, and all structures, must be submitted with the application. Any such site plan and/or survey shall meet the Map Standards set forth in Appendix 2 of the Development Ordinance.

## E. Appeal for Special Exception to the Development Ordinance

TO THE CITY OF HIGH POINT BOARD OF ADJUSTMENT:

I, \_\_\_\_\_, hereby petition the Board of Adjustment for a special exception from the provisions of the High Point Development Ordinance because, under the interpretation given to me by the Zoning Enforcement Officer, I am prohibited from using the parcel of land indicated on this application in a manner shown by the site plan attached to this application unless a special exception is granted. I request a special exception from the following provision(s) of the Ordinance (cite paragraph numbers):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## F. Findings of Fact Required for Issuance of a Special Exception

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a special exception. The Development Ordinance requires different findings of fact for the various special exceptions that the Board is authorized to grant. In the space provided below, check the box next to the special exception for which you are applying and provide your written response to each of the required findings in the space provided at the end of this section.

☐

**Special Exception to Allow a Barbed Wire Fence to be Located Within a Residential District** (Section 9-4-14 (c)(6)). Provide information necessary for the Board to determine that:

- a. the barbed wire shall be located behind the established front and side building lines or fifteen (15) feet from the right-of-way line, whichever is greater;
- b. the barbed wire shall be permitted only on top of a minimum six-foot high fence, with a maximum of three horizontal strands. The bottom strand of barbed wire shall be at least six feet above grade, with the vertical supports for the barbed strands slanting inward away from the property line at a minimum 30 degree angle;
- c. all fencing utilizing barbed wire shall be posted with a warning sign posted on the outside of the fence along each property boundary; and
- d. the property needs additional security as shown by significant law enforcement activity in the immediate vicinity in the recent past related to property crimes, crimes against the person, or sale or possession of illegal drugs or alcohol.

☐

**Special Exception from the location and area requirements for accessory structures on residentially zoned properties that are two acres in size or larger** (Section 9-4-13 (b)(2) and Section 9-4-13 (e). Provide information necessary for the Board to determine that:

- a. the property is located in a residential zoning district and is at least 2 acres in size;
- b. any accessory building that is located (in whole or in part) between the front or corner side of the principal building and a public street meets the principal building setbacks for the zoning district in which it is located
- c. the granting of the special exception will not create a situation where an accessory building is placed in a visually prominent location such that it would subsequently detract from the character of the neighborhood or significantly detract from the character or residential appearance of the property on which it is located;
- d. the size and location of the accessory building(s) will not result in a perceptible overcrowding of the property or a cluttered appearance of the property due to a proliferation of accessory buildings or structures, nor will it be placed in direct proximity to a residential dwelling located on an adjacent property such that it crowds that structure;
- e. and that factors such as lot size, lot configuration, topography of the property, existing vegetation or distance of the proposed accessory structure(s) to adjacent streets and abutting residential properties serve to screen the structure or otherwise limit or mitigate any negative visual impact that its placement may create.

☐ **Special Exception to Approve an Encroachment of up to 50 Percent into a Required Minimum Setback, for a structure located on a property that is within a Public and Institutional (PI) district and is within the Core City area as defined by the adopted core City Plan. To approve a setback reduction, the Board of Adjustment shall make the following findings.** (Section 9-4-12 (e)(2)(c). Provide information necessary for the Board to determine that:

- a. That the reduced setbacks(s) will not produce negative impacts on adjacent properties, or that such impacts are substantially mitigated;
- b. That the proposed structure, built to the reduced setback(s), will be in harmony with the character and nature of the development on the surrounding properties and in the immediate area of the subject site, and will not be excessive in terms of its impact on local amenity and character.
- c. That the reduced setback(s) will not result in an obstruction of safe line of sight or cause other traffic hazards for motorists or pedestrians at driveway or street intersections; and
- d. That the proposed structure if built with the requested reduced setback(s) would have adequate separation from structures located on adjacent properties and would ensure the provision of adequate light and air to those structures.

☐ **Special Exception to Allow a Legally Nonconforming Use (other than a market showroom or sexually oriented business) to be Enlarged or Extended to Occupy a Greater Area of Land or Floor Area Than Was Occupied on the Effective Date of Adoption or Amendment of the Development Ordinance** (Section 9-4-17 (b)(2)(c). Provide information necessary for the Board to determine that:

- a. the enlargement or extension does not exceed 25 percent of the square footage of the structure that existed at the time the use became nonconforming;
- b. the enlargement or extension of additional structure(s) occupy the same zone lot or plot of ground as occupied by the existing structure(s) at the time the use became nonconforming
- c. the intensity of the nonconforming use will not be increased; and
- d. the number of dwelling units in a nonconforming residential use will not be increased.

☐ **Special Exception to Allow a Legally Nonconforming Market Showroom to be Enlarged or Extended to Occupy a Greater Area of Land or Floor Area Than Was Occupied on the Effective Date of Adoption or Amendment of the Development Ordinance** (Section 9-4-17 (b) (2) d). Provide information necessary for the Board to determine that the enlargement or extension of additional structure(s) occupy the same zone lot or plot of ground as occupied by the existing structure(s) at the time the use became nonconforming:

☐ **Special Exception from the Location Requirements of a Sexually Oriented Business** (Section 9-5-2 (iii) (7)). Provide information necessary for the Board to determine that:

- a. the location of the proposed sexually oriented business will not have a detrimental effect on nearby properties or be contrary to the public safety and welfare;
- b. the granting of the special exception will not violate the spirit and intent of the Development Ordinance;
- c. the location of the sexually oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of blight;
- d. the location of a sexually oriented business in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any efforts of neighborhood renewal or restoration; and
- e. all other applicable provisions of the Development Ordinance and the High Point City Code will be observed.

☐ **Special Exception to the Area Provisions of the Sign Regulations for a College or University, Hospital, Coliseum, or Convention Center** (Section 9-5-16 (e)). Describe why a larger sign is a public necessity:

☐ **Special Exception to the Zoning Regulations Applicable to Property Within a Historic District** (Section 9-4-4 (b) (3) b). Upon recommendation by the Historic Preservation Commission, provide information to the Board necessary to determine that modifying the zoning regulations affecting the property, complies with the intent of the architectural and historic guidelines of the historic district:

### Special Exception to the Parking Requirements Applicable to Property Within a Historic District (Section 9-4-4 (b) (3))

c). Upon recommendation by the Historic Preservation Commission, provide information to the Board necessary to determine that:

- a. the lesser parking standard will not create problems due to increased on-street parking;
- b. the lesser parking standard will not create a threat to the public safety.

**Special Exception for Signs on Historic Structures or Properties** (Section 9-5-16 (g)). A review of the following evidence

by the Historic Preservation Commission is required before the request can be heard by the Board of Adjustment. Provide information first to the Commission, then to the Board necessary to determine that:

- a. evidence of the existence (past or present) of the sign being restored, replaced or replicated, and its location on the structure;
- b. evidence that the sign being restored, replaced or replicated was associated with the original or other early use of the structure, or has (itself) historic significance;
- c. evidence showing how the new or restored sign will imitate the former sign. Consideration shall be given to 1) size, 2) design or shape, 3) coloration, 4) lettering style, 5) graphic art style, 6) illumination and 7) type (overhanging, roof mounted, wall, freestanding, etc.). At least four (4) of the above elements of the new or restored sign must be found to be comparable to the former sign. Size will be considered comparable if the new sign has the same or smaller area;
- d. evidence that the proposed location of the new or restored sign will not pose a hazard to pedestrian or vehicular movements, and that the erection of such sign will meet all applicable building and electrical codes.

*\*Evidence may be in the form of photographs, books or other material that can provide evidence of historical existence.*

**Applicant Response (attach additional sheets if necessary)**

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

## G. Duration

Construction or operation shall be commenced within one (1) year of the date of issuance of approval or it shall become void. All approvals are subject to the applicant obtaining the appropriate permits prior to construction.

## H. Transcript Notice

As a practice, the city does not provide verbatim transcript of the Board of Adjustment hearing proceedings. If a transcript is requested, the production of said transcript shall be at the expense of the applicant, owner, or representative and not of the City of High Point. Signature on this application acknowledges notification of this practice.

<b>CERTIFICATION</b>
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I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief.

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***Applicant's Signature***

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***Date***

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***Owner's Signature***

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***Date***

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***Owner's Signature***

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***Date***

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***Representative's Signature***

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***Date***